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February 3, 1994

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SPECIAL COUNSEL  
JEROLD L. JACOBS

William F. Caton, Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: **MM Docket No. 93-290**  
**Notice of Proposed Rule Making**  
**To Amend §76.51(a)(1) of the Rules**

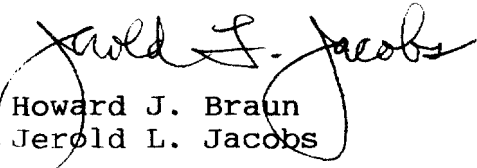
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FEB 3 1994  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Mr. Caton:

Enclosed for filing, on behalf of our client, WLIG-TV, Inc. ("WLIG"), licensee of Station WLIG(TV), Riverhead, New York, are an original and nine (9) copies of its "Request for Withdrawal of Petition for Rulemaking" ("Request") in this proceeding. For the reasons set forth in the Request, WLIG asks that its July 14, 1993 Petition for Rulemaking be withdrawn and that §76.51(a)(1) of the Commission's Rules not be amended to add Riverhead to the New York, N.Y.-Linden-Paterson-Newark, N.J. major television market.

Please direct any inquiries or correspondence concerning this matter to the undersigned.

Very truly yours,

  
Howard J. Braun  
Jerold L. Jacobs

Enc.

cc: As on Certificate of Service (all w/enc.)

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEB 23 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 76.51 of the ) MM Docket No. 93-290  
Commission's Rules to Include Newton, )  
New Jersey and Riverhead, New York )  
in the New York, New York - )  
Linden-Paterson-Newark, New Jersey )  
Television Market )

TO: Chief, Mass Media Bureau

**REQUEST FOR**  
**WITHDRAWAL OF PETITION FOR RULEMAKING**

WLIG-TV, Inc. ("WLIG"), licensee of Station WLIG(TV), Riverhead, New York, by its attorneys, hereby requests that its July 14, 1993 Petition for Rulemaking ("Petition") in this proceeding be withdrawn and that §76.51(a)(1) of the Commission's Rules not be amended to add Riverhead, New York to the existing New York, N.Y.-Linden-Paterson-Newark, N.J. major television market (the "New York - New Jersey" market). In support whereof, WLIG shows the following:

1. This proceeding was initiated at the request of WLIG, and WLIG filed Comments on December 20, 1993 and Reply Comments on January 18, 1994. WLIG's pleadings recognized that an important underlying assumption in this proceeding is that WLIG has must-carry rights throughout the New York ADI but is faced with copyright liability in certain cable communities in which WLIG is currently deemed to be a distant signal under the cable compulsory copyright license, even though it is a must-carry station.

2. Within the last three weeks, the validity of this must-carry assumption has been seriously called into question by the Supreme Court's consideration of a key challenge to the constitutionality of the must-carry rules (Turner Broadcasting System Inc. v. FCC, Case No. 93-44), which was heightened by the oral argument before the Court on January 12, 1994. The uncertain future of must-carry before the Court has caused WLIG to reevaluate its position in the event that Riverhead is added to the New York - New Jersey market in this proceeding but the Court strikes down the must-carry rules. In that event, although WLIG's copyright liability concerns would be resolved, WLIG would no longer be guaranteed carriage throughout the New York ADI. Also, the Riverhead hyphenation would radically alter WLIG's program exclusivity status, and WLIG would no longer have the vastly augmented viewing audience which would flow from the current ADI-wide must-carry rules.

3. Therefore, WLIG has concluded that it cannot risk a dramatic shift in its program exclusivity rights and economic burdens through grant of its Riverhead hyphenation proposal. Hence, WLIG wishes to withdraw its Petition and asks the Commission not to add Riverhead to the New York - New Jersey market. No party will be injured by this withdrawal, because it has no bearing on anything the Commission may decide with respect to other stations in this proceeding.

4. WLIG wishes to emphasize that withdrawal of its Riverhead hyphenation proposal is not inconsistent with WLIG's

continuing vigorous pursuit of must-carry status in opposition to petitions for special relief filed by Cablevision Systems Corporation (CSR-3873-A), Continental Cablevision of Western New England, Inc. (CSR-4019-A), and Vision Cable Television Company, Inc. (CSR-4051-A). Those petitions attempt to deprive WLIG of its must-carry rights in a number of communities within the New York ADI. WLIG will continue to strive for maximum cable carriage and will face its program exclusivity and copyright liability problems on a case-by-case basis.

WHEREFORE, in light of the foregoing, WLIG-TV, Inc. respectfully requests that the Commission should grant withdrawal of its Petition for Rulemaking and should not add Riverhead to the New York - New Jersey market.

Respectfully submitted,

WLIG-TV, Inc.

By: 

Howard J. Braun  
Jerold L. Jacobs

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Its Attorneys

Dated: February 3, 1994

**CERTIFICATE OF SERVICE**

I, Yvonne Corbett, a secretary in the law offices of Rosenman & Colin, do hereby certify that on this 3rd day of February, 1994, I have caused to be mailed, or hand-delivered, a copy of the foregoing "**REQUEST FOR WITHDRAWAL OF PETITION FOR RULEMAKING**" to the following:

  
Yvonne Corbett

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\* BY HAND